

U.S. Patent Application Serial No. 10/802,027

Amendment filed August 6, 2007

Reply to OA dated May 16, 2007

### REMARKS

Claims 1-12 are pending in this application, of which claims 1, 8 and 10 have been amended.

No new claims have been added.

It is believed that this Amendment is fully responsive to the Office Action dated May 16, 2007. It is respectfully submitted that no new matter is entered.

Claims 4, 5 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Reconsideration and removal of this rejection is respectfully requested.

The Office Action alleges that Claims 4 and 5 based on the filter arrangement of the FIG. 2 embodiment, having inlet and outlet at the bottom of the filter housing, conflicts with independent Claim 1 which is based on the filter arrangement of the FIG. 1 embodiment, in which the inlet and outlet are at the top portion of the filter housing.

The Examiner recites that Claim 1 requires structure to effect spouting up of flow from the bottom portion of the inflow chamber (effected by instant guide element 7 only present in the figure 1 embodiment having a top inlet 13c) while Claims 4 and 5 require a bottom inlet (only present as inlet 25a or 25b of the FIG. 2 embodiment).

The Applicants respectfully disagree with the Examiner. The Applicants respectfully submit that the "first flow path guide" (5) of the embodiment of FIG. 1 and the "third flow path guide" (29) of the embodiment of FIG. 2 are the "structure" recited in Claim 1, and thus Claim 1 and Claims 4 and 5 are not in conflict.

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In view of the above remarks, removal of the 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 1 - 12 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Reconsideration and removal of this rejection is respectfully requested.

The Office Action alleges that for independent Claims 1 and 8, recitation of the fluid being directed in a taper-like fashion is not explicitly supported by pages 18 - 19 of the Specification, as alleged. Instead, the instant Specification states that the flow guide 5, itself is tapered. For independent Claim 12, (it is believed that the Examiner is referring to Claim 10), the Specification at pages 25 - 27 states that falling-off preventing element 31b, itself, traps foreign matter which has passed through element (31a), however it does not support claiming of foreign matter being trapped between the elements.

In view of the present rejection, Claims 1 and 10, have been amended. Removal of the 35 U.S.C. § 112, first paragraph, rejection is respectfully requested.

Claims 1 - 6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stutzman (U.S. Patent No. 5,271,850). Reconsideration and removal of this rejection is respectfully requested.

The Office Action alleges that Stutzman discloses inflow chamber (space within lower portion of side wall of housing 11) communicating with inlet (7), outflow chamber (25) communicating with outlet (15), cylindrical filter element (20) and baffle structure (16).

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Regarding Claims 2 - 6, the Examiner recites: see inlet (7/37) in upper portion of inlet chamber; the bottom portion of baffle structure (16) creates a narrowed cross-section between baffle and side wall of the filter housing; see inlet (17) in bottom of the housing and also inlet/outlet (15); the baffle structure forcibly guides the flow since it is solid and impermeable; and the baffle structure (16) has a concave/convex stream-lined shape.

Regarding the rejection of Claims 1 and 8 and the disclosure of Stutzman, it is respectfully submitted that the filter unit of Stutzman has a filter cartridge (20) in which no liquid can flow radially, as discussed at column 5, lines 18 - 27, and liquid enters the filter cartridge as shown by the vertically-oriented arrows in FIG. 5, to flow mainly axially. As shown in FIG. 5, flow is directed along the cylindrically shaped surface of the filter cartridge as shown by the arrows in clearance (29).

In the present invention, it is desired to have flow toward, the cylindrically shaped surface of the filter element (3), as shown by the curved arrows in Figs. 1 and 2, in the round space portions (3a and 27a). Accordingly, Claims 1 and 8 have been amended to more clearly define the present flow in order to distinguish over the flow disclosed by Stutzman.

Regarding Claim 2, it is respectfully submitted that the alleged "inlet in upper part" is a cotter pin, not an inlet.

Regarding Claim 6, it is respectfully submitted that the alleged "streamline shape" (16) is positioned so as to have the flow impinge onto the concave lower surface, so that oily liquid tends

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to flow and drop to the bottom where it collects. Therefore, stagnation is promoted, which is opposite to the claimed prevention of stagnation.

In view of the amendments to Claims 1 and 8, and the above remarks, removal of this rejection is respectfully requested.

Claims 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (U.S. Patent No. 5,569,373). Reconsideration and removal of this rejection is respectfully requested.

The Office Action alleges that Smith et al. discloses inflow portion communicating with inlet (40), outflow portion communicating with outlet (70), and a composite filter element comprising target trapping, finer mesh size filter element (64), lining the side of the annular inflow chamber, which traps some of the solid impurities being filtered and thus prevents them from falling, and a differential pressure sensor.

It is respectfully submitted that in the reusable fluid filter of Smith et al., firstly, numeric indicators (64) and (66) indicate outside and inside cylindrical walls, respectively, of a hollow core filter element, as discussed at column 4, lines 52 - 62. Therefore, Smith et al. does not disclose a filter element having a target trapping element and a fall-off preventing element, as claimed; and secondly, Smith et al. discloses a wire mesh filter designed to inhibit contaminant particles from become lodged in the filter mesh (see Abstract) thus teaching against the claimed fall-off preventing element.

In view of the above remarks, removal of this rejection is respectfully requested.

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Claims 7, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stutzman in view of Budzich (U.S. Patent No. 4,687,572). Reconsideration and removal of this rejection is respectfully requested.

Claims 7, 9 and 12 depend from Claims 1 and 8. In view of the amendment to Claims 1 and 8, and the above remarks, removal of this rejection is respectfully requested.

In view of the aforementioned amendments and accompanying remarks, it is believed that Claims 1-23, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

*Stacy N. Baker* for Mel R. Quintos  
Attorney for Applicant  
Reg. No. 31,898

MRQ/JNB/ak  
Atty. Docket No. 040122  
Suite 400  
1420 K Street, N.W.  
Washington, D.C. 20005  
(202) 659-2930



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